

R E M A R K S

This Amendment is responsive to the Office Action dated May 18, 2004. Claims 1 through 21 are pending in the application. Of those claims, claims 17 through 21 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Stauffer et al. U.S. Patent Number 5,906,411; claims 1, 2, 5, 6 and 10 through 15 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Covington et al. U.S. Patent Number 4,722,173 in view of Hurlburt U.S. Patent Number 4,605,259; claims 3, 4 and 7 through 9 stand rejected as being unpatentable over Covington et al. in view of Hurlburt, and further in view of Dow U.S. Patent Number 5,176,573; and claim 16 stands rejected under section 103 (a) as being unpatentable over Covington et al. in view of Hurlburt and Matousek et al. U.S. Patent Number 6,632,135. Claim 14 is objected to as depending from itself. This is corrected herein as suggested by the Examiner. The specification is also objected to on informal grounds, and is corrected herein, as required.

Responsive to the rejection of the claims, Applicant herein amends claims 1 through 4, 6 through 9, 11, 14, 16 through 18 and 21, to more patentably distinguish those claims over the cited prior art. All of the claims are now believed to be allowable.

Turning to amended independent claim 1, that claim is now directed to a harvesting combine requiring a body including a housing having a front wall, and a rotary threshing assembly including a rotor having a front end located in front of the front wall, a cab in front of and spaced-apart from the front wall, and a platform positioned in the space between the cab and the body wherein **the cab, the body, and the platform define a passageway to allow an operator to visually monitor and access the body from the platform, the passageway and the platform extending over the front end of the rotor.**

This combination of features is not disclosed, taught or suggested by the combination of references cited against claim 1. More particularly, Covington et al. is directed to a cotton harvester, not a combine, and thus does not include a threshing assembly or rotor, and while Hurlburt is directed to a combine, it does not disclose or

suggest a passageway between the operator cab thereof and the body, nor does it disclose or even suggest locating a front end of a rotor of the threshing assembly in front of the body of the combine or a platform thereover, as required in amended claim 1. Having the front end of the rotor extend forwardly of the body of the combine facilitates installation and removal of the rotor and enables using a larger rotor which can increase the productivity of the combine, neither of which advantages are even suggested in either of the references. As a result, even if one skilled in the art were to combine the Covington et al. and Hurlburt references to place a passageway of a cotton harvester between a cab and body of a combine, there is no evidence suggesting that they would be led to extend the front end of the rotor beneath the platform as also required in the claim. For the foregoing reasons, amended claim 1 is believed to be patentably distinguishable over the cited combination of references and allowable.

Claims 2 through 17 depend from amended claim 1 and add still further limitations thereto. For instance, claim 2 requires the cab of claim 1 to be supported on the combine by a linkage assembly movable for moving the cab upwardly and rearwardly into the space and adjacent to the front wall. Claim 3 requires the platform to be removable to allow the cab to be positioned in the passageway above the front end of the rotor. Claim 4 requires the platform to be connected to at least one side platform portion located beside the cab, the platform between the cab and the body being located at a higher elevation than the at least one side platform portion. None of these features, in combination with the limitations of amended claim 1, are disclosed or suggested in the cited combination of references.

Claim 6 requires the platform to be supported on a bridge which has a generally inverted U-shape which extends over and defines a space containing the front end of the rotor. Claim 7 requires the bridge of claim 6 to support at least one step at an elevation between the platform and the at least one side platform portion. Claim 8 requires the apparatus of claim 7 to comprise two of the side platform portions beside opposite sides of the cab, respectively, the side platform portions and the platform together having a U-

shape when viewed from above. This provides the space for the front end of the rotor. None of these features are disclosed or even suggested in the cited combinations of references.

For the foregoing reasons, claims 2 through 16, in combination with amended base claim 1, are believed to be patentably distinguishable over the cited prior art and allowable.

Amended independent claim 17 is directed to a method for visually monitoring a harvesting combine requiring the steps of providing a harvesting combine including a body, the body including a housing and operating equipment including at least a grain tank, a cab spaced-apart from and in front of the body, a platform including at least one side platform portion positioned beside the cab, and an elevated back platform portion connected to the side platform portion and positioned between the cab and the body at an elevation higher than the side platform portion, wherein the cab, the body, and the elevated back platform portion define a passageway; and visually monitoring the operating equipment from the elevated back platform portion.

This combination of steps of amended claim 17 is not disclosed, taught or suggested by the Stauffer et al. reference cited against original claim 17. Directing the Examiner's attention to Fig. 1 of the Stauffer et al. patent, the back of the cab of that combine is closely adjacent to the front of the body. An HVAC unit is located below the back window of the cab. Referring to Fig. 3 of Stauffer et al., these features extend across the full width of the cab. There is no discussion in Stauffer et al. of a rear platform, elevated or not, extending behind the cab, and only very small spaces are located beneath the HVAC unit and behind the cab. As is evident from the relative size of the person in the cab of Fig. 1 to these spaces, they could not be occupied by a person. As a result, Applicant asserts that no elevated passageway as required in the claim is present or suggested. For the foregoing reasons, amended claim 17 is believed to be patentably distinguishable over the Stauffer et al. reference and allowable.

Amended claim 18 includes many of the same limitations as amended claim 17, and is directed to a method for visually monitoring a harvesting combine requiring steps of providing a harvesting combine including a body, the body including a housing and operating equipment including a grain tank, a cab spaced-apart from and forwardly of the body, a platform including at least one side platform portion positioned beside the cab, and an elevated back platform portion connected to the side platform portion and positioned between the cab and the body wherein the cab, the body, and the elevated back platform portion define a passageway; and accessing the operating equipment from the elevated back platform portion.

This combination of steps of amended claim 18 is not disclosed, taught or suggested by the Stauffer et al. reference cited against original claim 18, for many of the reasons set forth in regard to claim 17 above. Again directing the Examiner's attention to Fig. 1 of the Stauffer et al. patent, the back of the cab of that combine is closely adjacent to the front of the body. An HVAC unit is located below the back window of the cab. Referring to Fig. 3 of Stauffer et al., these features extend across the full width of the cab. There is no discussion in Stauffer et al. of a rear platform, elevated or not, extending behind the cab, and only very small spaces are located beneath the HVAC unit and behind the cab. As is evident from the relative size of the person in the cab of Fig. 1 to these spaces, they could not be occupied by a person. As a result, Applicant asserts that no elevated passageway as required in the claim is present or suggested. For the foregoing reasons, amended claim 18 is believed to be patentably distinguishable over the Stauffer et al. reference and allowable.

Claims 19 and 20 depend from amended claim 18. They are thus believed to be patentably distinguishable in combination with base claim 18 over the cited prior art.

Amended claim 21 is directed to a cab arrangement for a harvesting combine requiring a harvesting combine including a body having a grain tank, a cab spaced-apart from the grain tank, a platform including side platform portions beside opposite sides of the cab, and a back platform portion at a higher elevation than the side platform portions

positioned between the cab and the grain tank, wherein the back platform portion defines a space therebeneath containing a front end of a rotor of a threshing system of the combine extending forwardly of the body of the combine, and wherein the cab, the grain tank, and the back platform portion define a passageway to allow an operator to visually monitor operating equipment from the higher elevation.

This combination of elements of amended claim 21 is not disclosed, taught or suggested by the Stauffer et al. reference cited against original claim 21, for many of the reasons set forth above in regard to claims 1 and 17 and incorporated herein by reference. Again directing the Examiner's attention to Fig. 1 of the Stauffer et al. patent, the back of the cab of that combine is closely adjacent to the front of the body. An HVAC unit is located below the back window of the cab. Referring to Fig. 3 of Stauffer et al., these features extend across the full width of the cab. There is no discussion in Stauffer et al. of a rear platform, elevated or not, extending behind the cab or above a front end of a rotor, and only very small spaces are located beneath the HVAC unit and behind the cab. As is evident from the relative size of the person in the cab of Fig. 1 to these spaces, they could not be occupied by a person. As a result, Applicant asserts that no elevated back platform over a front end of a rotor as required in the claim is present or suggested. For the foregoing reasons, amended claim 21 is believed to be patentably distinguishable over the Stauffer et al. reference and allowable.

All of the claims in the application, namely claims 1 through 21, contain limitations which distinguish them over the cited prior art and are believed to be in allowable condition. Favorable action and allowance of all of the claims is therefore respectfully requested.

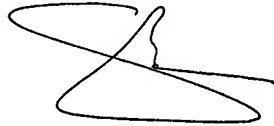
A two month extension of time is requested to extend the time for submitting this Amendment. The Office Action was mailed on May 18, 2004, and the initial three month period in which to submit a response ended on August 18, 2004. The two month extension of time extends the response time up to and including October 18, 2004. Enclosed is a check in the amount of \$430.00 which is the charge for an extension of two

months as set forth in 37 CFR §1.17(a)(2) for a large entity. The Commissioner is authorized to charge any credit or deficiency to Deposit Account No. 08-1280.

If the Examiner has any further requirements or suggestions for placing the present claims in condition for allowance, Applicant's undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

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